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Date: January 3, 2005

To: United States Patent and Trademark Office  
Fax No: 703-872-9306From: C. Noel Kaman  
Tel. No: 312-245-5319

Client No: 10466/128

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(inc. this page): 7Confirmation Copy To Follow: Yes ☐ No ☒IF YOU HAVE ANY PROBLEMS RECEIVING THIS MESSAGE,  
PLEASE CALL 312-321-4200 AND ASK FOR: \_\_\_\_\_

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**COVER MESSAGE:**

Please find attached the following papers to be filed in connection with U.S. Patent Application Serial No. 09/944,449:

- a transmittal letter;
- a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b);
- a duplicate copy of the transmittal letter authorizing charging deposit account for fee payment; and
- a Reply to the Office Communication of March 15, 2004.

## CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence, totaling 8 pages including recited attachments, is being facsimile transmitted to the United States Patent and Trademark Office at facsimile no.: 703-872-9306 (Central number) on the below date:

Date: 3 January 2005Name: C. Noel KamanSignature: C. Noel Kaman

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Baker, et al.Appln. No.: 09/944,449Filed: 8/30/2001

For: **SECRETED AND TRANSMEMBRANE  
POLYPEPTIDES AND NUCLEIC ACIDS  
ENCODING THE SAME**

Examiner: Elleen O'HaraArt Unit: 1646Attorney Docket No: 10466/128 (P2548P1C09)

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

## TRANSMITTAL

Sir:

Attached is/are:

☒ [Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b); a duplicate copy of this transmittal letter for fee payment charging deposit account; and a Reply to the Office Communication of March 15, 2004]

☐ Return Receipt Postcard

## Fee calculation:

☐ No additional fee is required.

☐ Small Entity.

☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).

☒ A petition or processing fee in an amount of \$1500.00 under 37 C.F.R. § 1.17(m).

☐ An additional filing fee has been calculated as shown below:

				Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or Rate	Add'l Fee
Total		Minus			x \$25=		x \$50=	
Indep.		Minus			x 100=		x \$200=	
First Presentation of Multiple Dep. Claim					+ \$180=		+ \$360=	
Total					\$		Total \$	

## Fee payment:

☐ A check in the amount of \$\_\_\_\_\_ is enclosed.

☒ Please charge Deposit Account No. 23-1925 in the amount of \$1500.00. A copy of this Transmittal is enclosed for this purpose.

☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).

☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

3 January 2005  
Date

C. Noel Kaman  
C. Noel Kaman (Reg. No. 51.857)

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PTO/SB/64 (09-04)

Approved for use through 07/31/2005 OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>		<b>Docket Number (Optional)</b> 10466/128 (P2548P1C19)
<b>First Named Inventor:</b> Baker, et al.		
<b>Application No.:</b> 09/944,449	<b>Art Unit:</b> 1646	
<b>Filed:</b> 8/30/2001	<b>Examiner:</b> Eileen O'Hara	
<b>Title:</b> Secreted and Transmembrane Polypeptides and Nucleic Acids Encoding the Same		
<b>Attention:</b> Office of Petitions <b>Mail Stop</b> Petition <b>Commissioner for Patents</b> P.O. Box 1450 Alexandria, VA 22313-1450 <b>FAX:</b> (703) 872-9306		
<b>NOTE:</b> If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extension of time.		
<b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</b>		
<b>NOTE:</b> A grantable petition requires the following items: (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional.		
1. <b>Petition fee</b> <input type="checkbox"/> Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. <input checked="" type="checkbox"/> Other than small-entity fee \$ <u>1500.00</u> (37 CFR 1.17 (m)).		
2. <b>Reply and/or fee</b> A. The reply and/or fee to the above-noted Office action in the form of <u>a Reply to the Office Communication of March 15, 2004</u> (Identify type of reply): <input type="checkbox"/> has been filed previously on _____ <input checked="" type="checkbox"/> is enclosed herewith. B. The issue fee of \$ _____ <input type="checkbox"/> has been paid previously on _____ <input type="checkbox"/> is enclosed herewith.		

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. This information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completing application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

**3. Terminal disclaimer with disclaimer fee**

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20 (d)) of \$ \_\_\_\_\_ for a small entity of \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

3 January 2005  
Date

C. Noel Kaman  
Signature

Telephone  
Number: 312-321-4200

C. Noel Kaman  
Type or printed name

Brinks Hofer Gilson & Lione  
Address

NBC Tower, Suite 3600, 455 N. Chyfront Plaza Dr.  
Chicago, IL 60611-5599  
Address

- Enclosures:
- ☒ Fee Payment
  - ☒ Reply
  - ☐ Terminal Disclaimer Form
  - ☐ Additional sheets containing statements establishing unintentional delay
  - ☐ Other: \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306

3 January 2005  
Date

C. Noel Kaman  
Signature

C. Noel Kaman  
Type of printed name of person signing certificate